

**Wittels
McInturff
Palikovic**

November 20, 2023

Via ECF

The Honorable Joseph A. Marutollo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Mirkin v. XOOM Energy, LLC*, No. 18 Civ. 2949 (ARR) (JAM)

Dear Judge Marutollo:

On behalf of Plaintiff and the Class and in accordance with Part III.D of Judge Reyes's prior Motion and Individual Practice Rules, Class Counsel writes to notify the Court that the following papers in opposition to Defendants' Motion to Stay Proceedings Pending Resolution of Rule 23(f) Petition and Appeal were served today on Defendants' counsel via electronic mail:

- Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Stay Proceedings Pending Resolution of Rule 23(f) Petition and Appeal, dated November 20, 2023; and
- Declaration of Ethan D. Roman in Opposition to Defendants' Motion to Stay Proceedings Pending Resolution of Rule 23(f) Petition and Appeal, with exhibits, dated November 20, 2023.

On November 6, 2023, before Your Honor was assigned to this matter, Defendants served their motion papers to Plaintiff via electronic mail and filed via ECF a letter regarding service of those papers in accordance with Judge Reyes's bundling rule. *See* Dkt. No. 163. Because Defendants' motion papers have not been filed on the public docket, Plaintiff is likewise following the bundling rule and serving opposition papers by electronic mail and filing this letter regarding service. Class Counsel is prepared to file these opposition papers should Your Honor so prefer.

Thank you for Your Honor's attention to this matter.

Respectfully submitted,

/s/ Ethan D. Roman
Ethan D. Roman

cc: All counsel of record (via ECF)